

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

KEN GRANT, and CARYL GRANT as  
individuals and as husband and wife,

Plaintiffs,

Civ. No. 03-0931 MV/RHS

vs.

CITY OF RIO RANCHO; Planning and  
Zoning Chairman; ART CORSIE, also,  
Director of City Development; individually  
and in his capacity as Officer of the City of  
Rio Rancho,

Defendants.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on Plaintiffs' Motion for Permission to File Supplemental Complaint to Set Forth Occurrences Which Have Happened Since the Date of the Original Complaint, filed February 3, 2004, [**Doc. No. 15**]. Despite the title of Plaintiffs' motion, it appears that Plaintiffs seek leave to file an amended complaint adding a claim based on newly discovered information regarding events that occurred *prior* to the filing of the original complaint. Consequently, Plaintiffs' motion will be construed as a motion to amend under Fed. R. Civ. P. 15(a) and not a motion to supplement under Fed. R. Civ. P. 15(d).

Rule 15(a) of the Federal Rules of Civil Procedure permits a party to amend its pleading by leave of court. Fed. R. Civ. P. 15(a). Such leave shall be freely given when justice so requires. *Id.* Local Rule 15.1 requires that a "proposed amendment to a pleading must accompany the motion to amend." D.N.M. LR-Civ. 15.1. Plaintiffs did not attach a copy of the

proposed amendment to their motion. Furthermore, Plaintiffs' motion to amend references and incorporates an affidavit allegedly attached to Plaintiffs' Response to Defendant's Motion to Dismiss. No such document is attached to Plaintiffs' Response to Defendant's Motion to Dismiss. Without the proposed amendment and supporting documents, the Court cannot determine if the proposed amendment should be permitted pursuant to Rule 15(a).

**IT IS THEREFORE ORDERED** that Plaintiffs' Motion for Permission to File Supplemental Complaint to Set Forth Occurrences Which Have Happened Since the Date of the Original Complaint, filed February 3, 2004, [**Doc. No. 15**] is hereby **DENIED** for failure to comply with local rules.

Dated this 20th day of August, 2004.



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MARTHA VAZQUEZ  
U. S. DISTRICT COURT JUDGE

Attorney for Plaintiffs:

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Attorneys for Defendants:

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